

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/04/2000**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Dean Kaufert (608) 2664719**

By/Representing: **Ed Eberle**

This file may be shown to any legislator: NO

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Motorists approaching parked law enforcement officers

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
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FE Sent For: **01/04/2000.**

<END>

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Identical to LRB:

For: **Dean Kaufert (608) 266-5719**

By/Representing: **Ed Eberle**

This file may be shown to any legislator: **NO**

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May Contact:

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FE Sent For:

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LRB-3898/3  
PEN:cjs:kjf  
STAYS  
4136/1

**1999 BILL**

no changes

Reagan

1 **AN ACT** <sup>6</sup> **to amend** 346.05 (3) and 346.17 (2); and **to create** 343.30 (lo) and  
2 346.072 of the statutes; **relating to:** motorists approaching certain authorized  
3 emergency vehicles stopped near a highway and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

Current law generally requires motorists to drive in the right-hand lane of the roadway. Motorists are also generally required to pass to the left of traffic traveling in the same direction, but are allowed to pass traffic to the right under certain circumstances.

This bill requires any motorist approaching an authorized emergency vehicle (such as police, fire, ambulance and conservation warden vehicles) that is stopped on or within 12 feet of the paved portion of a highway and that is giving visual signal by a flashing light, to move into a lane not nearest the authorized emergency vehicle and travel in that lane until he or she passes the authorized emergency vehicle. If the roadway has only one lane for traffic traveling in the same direction as the approaching motorist, or if the motorist cannot change lanes safely or without interfering with other traffic, the motorist must slow until he or she has passed the authorized emergency vehicle.

A motorist who violates this requirement may be required to forfeit not less than \$30 nor more than \$300. The bill also requires a court to suspend the violator's operating privilege for not less than 90 days nor more than one year, if the violation resulted in damage to another's property; to suspend the violator's operating privilege for not less than 180 days nor more than two years, if the violation resulted

## . BILL

in bodily harm to another; and to suspend the violator's operating privilege for two years if the violation resulted in the death of another. The requirements take effect on July 1, 2000.

For further information *see* the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 343.30 (lo) of the statutes is created to read:

2           343.30 **(lo)** Upon conviction of a person for violating s. 346.072, the court shall  
3 suspend the violator's operating privilege as follows:

4           (a) For a period of not less than 90 days nor more than one year, if the offense  
5 resulted in damage to the property of another but did not result in bodily harm to  
6 another.

7           (b) For a period of not less than 180 days nor more than 2 years, if the offense  
8 resulted in bodily harm to another but did not result in the death of another.

9           (c) For a period of 2 years, if the offense resulted in the death of another.

10          **SECTION 2.** 346.05 (3) of the statutes is amended to read:

11          346.05 (3) Any vehicle proceeding upon a roadway at less than the normal  
12 speed of traffic at the time and place and under the conditions then existing shall be  
13 driven in the right-hand lane then available for traffic, or as close as practicable to  
14 the right-hand edge or curb of the roadway, except when overtaking and passing  
15 another vehicle proceeding in the same direction or when preparing for a left turn  
16 at an intersection or into a private road or driveway, and except as provided in s.  
17 346.072.

18          **SECTION 3.** 346.072 of the statutes is created to read:

**BILL**

1           **346.072 Passing stopped emergency vehicles. (1)** The operator of a motor  
2 vehicle approaching an authorized emergency vehicle that is parked or standing on  
3 or within 12 feet of a roadway and that is giving visual signal shall proceed with due  
4 regard for all other traffic and shall do either of the following:

5           (a) Move the vehicle into a lane that is not the lane nearest the parked or  
6 standing authorized emergency vehicle and continue traveling in that lane until  
7 safely clear of the authorized emergency vehicle. This paragraph applies only if the  
8 roadway has at least two lanes for traffic proceeding in the direction of the  
9 approaching vehicle and if the approaching vehicle may change lanes safely and  
10 without interfering with any vehicular traffic.

11           (b) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate  
12 the vehicle at a reduced speed until completely past the authorized emergency  
13 vehicle. This paragraph applies only if the roadway has only one lane for traffic  
14 proceeding in the direction of the approaching vehicle or if the approaching vehicle  
15 may not change lanes safely and without interfering with any vehicular traffic.

16           (2) In addition to any penalty imposed under s. 346.17 (2), any person violating  
17 this section shall have his or her operating privilege suspended as provided in s.  
18 343.30 (lo).

19           **SECTION 4.** 346.17 (2) of the statutes is amended to read:

20           346.17 (2) Any person violating ss. 346.05, 346.07 (2) or (3), 346.072, 346.08,  
21 346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14 to 346.16 may be required to  
22 forfeit not less than \$30 nor more than \$300.

23           **SECTION 5. Initial applicability.**



**SUBMITTAL  
'FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

**Date:** 01/04/2000

**To:** Representative Kaufert

**Relating to LRB drafting number:** LRB-4136

**Topic**

Motorists approaching parked law enforcement officers

**Subject(s)**

Transportation - traffic laws

1. **JACKET** the draft for introduction Rep. Dean Kaufert  
in the **Senate** or **the Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_  
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction yes fisc. req. 1/4/99

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney  
Telephone: (608) 261-6926